



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE NC 28542-0004

BO 7010.1B

MCCS

JUN 21 2011

BASE ORDER 7010.1B

From: Commanding Officer, Marine Corps Base, Camp Lejeune
To: Distribution List

Subj: MARINE CORPS COMMUNITY SERVICES, CAMP LEJEUNE CIVIL
RECOVERY PROGRAM FOR COSTS ASSOCIATED WITH SHOPLIFTING,
THEFT DETECTION, AND THEFT PREVENTION

Ref: (a) The Federal Claims Act of 1996, 31 U.S.C. Sec. 3701,
et. Seq., as amended by Pub. L. 107-107 (NDAA 2002)
(NOTAL)
(b) CMC ltr 1754 of 16 May 02 w/SOP (NOTAL)
(c) CMC ltr 1754 of 16 Sep 05 w/SOP Ch 1 (NOTAL)

Encl: (1) First Notice/Demand for Recovery of Shoplifting Costs
and Damages
(2) Second Notice/Demand for Recovery of Shoplifting Costs
and Damages
(3) Command Notification Letter
(4) Voluntary Statement
(5) Shoplifting Statistics Sheet

1. Situation. This Order promulgates policy regarding the Marine Corps Customer Service (MCCS) Civil Recovery Program in accordance with the references. Enclosures (1) through (3) are sample notification letters that comply with the requirements of the references.

2. Cancellation. BO 7010.1A.

3. Mission. To provide policies and procedures for administering Camp Lejeune's Civil Recovery Program for the collection of business losses, operating expenses, and administrative fees related to shoplifting, theft detection, and theft prevention in MCCS activities.

4. Execution

a. Commander's Intent. Expenses associated with shoplifting, theft detection, and theft prevention pose an increasing burden.

DISTRIBUTION STATEMENT A: Approved for public release;
distribution is unlimited.

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The Program assesses a \$200.00 administrative fee plus actual damages against all shoplifters or sponsors in the case of unemancipated minors. This fee may be imposed in cases of theft of money from MCCS as well as shoplifting. Actual damages are the retail value of stolen merchandise if not recovered in saleable condition. If the merchandise is recovered but damaged, then actual damages are computed by subtracting the reduced saleable price from the retail price. If the merchandise is recovered but not in merchantable condition, then actual damages equal the retail price of the merchandise. If the merchandise is recovered in new condition and can be returned to inventory for resale in a reasonable timeframe, then there are no actual damages.

(1) If the fees are not paid or if they are not successfully disputed, MCCS will initiate actions to recover amounts due through the government's Treasury Offset Program or salary offset program. The recovery effort extends to all shoplifters, whether or not they are authorized patrons. This is an administrative collection and is not related to any judicial, non-judicial, or other remedy that may also be pursued by Commanders, Special Assistant United States Attorneys (SAUSA), or Command Inspectors. Those subjected to collection efforts will be afforded every opportunity to review the evidence used to determine their culpability and to request a review of the case by the Command Inspector.

(2) A parent, guardian, or other person having legal custody of an unemancipated minor who commits the offense of shoplifting shall be liable to MCCS for the damages and costs specified herein. Absent evidence of complicity, a military sponsor is not responsible for a spouse's shoplifting and will not be held liable under this program.

b. Concept of Operations

(1) MCCS will begin the collections action using the following procedures:

(a) A Demand Letter will be sent certified, return receipt requested, to the suspected shoplifter or the sponsor in the case of an unemancipated minor, no later than seven days after the shoplifting incident. The Demand Letter will not be given to the suspected shoplifter or the sponsor at the time of the incident. The letter will substantially comply with the sample at enclosure (1), First Notice and Demand Letter for Suspected Shoplifters.

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(b) MCCS will immediately suspend the check-cashing and Star Card privileges of the suspected shoplifters or sponsors, in the case of an unemancipated minor, until the debt is paid or waived. Privileges of shoplifters or sponsors who are debarred from the installation or MCCS facility by the Commanding Officer, Marine Corps Base will be suspended until the debt is paid and debarment removed. The privileges of a military member who is not liable for a spouse's debt will not be suspended absent unusual circumstances.

(c) The suspected shoplifter or sponsor may dispute the debt to the Command Inspector within 15 calendar days of the First Notice and Demand Letter.

1. The Command Inspector may waive the debt when the evidence establishes that more than likely there was no intent to deprive MCCS of the property. A decision regarding the suspect's intent will impact the ability to pursue criminal action; therefore, this decision MAY NOT be made without first obtaining advice of the installation Staff Judge Advocate. The Command Inspector may also cause the fee to be reduced or eliminated based on the personal circumstance of the shoplifter or sponsor, regardless of evidence for good cause, including severe financial hardship to the family.

2. The Command Inspector must immediately notify the Chief Financial Officer (CFO), MCCS when a request for review is received to preclude MCCS from initiating further administrative action until the review is completed. The Command Inspector's review and decision shall be made in writing within a reasonable period of time, but not later than 15 days from the debtor's dispute letter.

(d) If the debtor fails to respond within 15 days of the First Notice and Demand Letter by either paying the amount owed or disputing the debt with the Command Inspector, a second letter will substantially comply with the sample, Second Notice and Demand for Recovery of Shoplifting Costs and Damages (enclosure (2)). If the suspected shoplifter is active duty or an unemancipated minor family member of such a person, at the same time the Second Notice and Demand Letter is sent, MCCS will send a letter to the sponsor's or suspected shoplifter's Commanding Officer explaining the debt and requesting collection assistance. This letter shall substantially comply with the sample, Command Notification Letter (enclosure (3)).

(2) Payments will be made to MCCS in the form of cash, money order or a certified cashier's check in accordance with instructions contained in the Demand Letter(s). Personal checks

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will not be accepted. A receipt will be provided to the payer to prove that restitution has been made. Payment will not prohibit separate judicial, non-judicial or administrative action by the Commanding Officer, Marine Corps Base or the service member's Commanding Officer.

(3) If the suspected shoplifter or sponsor, in the case of an unemancipated minor, does not pay the debt within 15 days of the Second Notice and Demand Letter:

(a) MCCS will initiate salary offset against liable active duty members (unless salary offset for that command is being handled by the Treasury Offset Program Office, in which case the file will be forwarded as directed below).

(b) If command-initiated salary offset is not successful or the liable party is not active duty military, MCCS will write off the debt and transfer it for collection to the Commandant of the Marine Corps, Treasury Offset Program Office, Resource Management Branch (RMB), 3044 Catlin Avenue, Quantico, VA 22134.

(c) The forwarded case file will contain copies of the incident report, (enclosures (4) and (5)), the Notice and Demand Letters, proof of receipt of Demand Letters, the Commander's Notification Letter (if applicable), any dispute or request for review by the Command Inspector, and the Command Inspector's Decision Letter. The liable party's social security number must be included in the file.

(d) In appropriate cases, the Command Inspector or the MCCS CFO may enter into written repayment agreements with liable parties. If the Command Inspector initiates the repayment agreement, the effort must be coordinated with the MCCS CFO.

(e) Under no circumstances may any agency agree to forgo criminal prosecution based on repayment of the debt.

5. Administration and Logistics. Questions and problems concerning the provisions of this Order should be referred to the Director, Review and Analysis Division, MCCS at 451-5077 or 451-2518.

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6. Command and Signala. Command

(1) The heads of Nonappropriated Fund Instrumentalities will ensure that all subordinate managers, supervisors (military and civilian), and security personnel are thoroughly familiar with the contents of this Order and that this Order is made available to all employees upon request.

(2) Applicability. This Order is applicable to all persons, whether authorized patrons or not, caught shoplifting in any MCCS-managed activity aboard Camp Lejeune or Marine Corps Air Station, New River.

b. Signal. This Order is effective on the date signed.



D. J. LECCE

DISTRIBUTION: A

First Notice/Demand for Recovery of
Shoplifting Costs and Damages



UNITED STATES MARINE CORPS
MARINE CORPS COMMUNITY SERVICES
MARINE CORPS BASE
1401 WEST ROAD
CAMP LEJEUNE NC 28547-2539

IN REPLY REFER TO:
1754
RVAN

CERTIFIED MAIL

From: Chief Financial Officer, Marine Corps Community Services,
Marine Corps Base, Camp Lejeune
To: PFC XXXXXXXXX
HP 007 Room #129
Camp Lejeune, NC 28547

Subj: FIRST NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS
AND DAMAGES

Ref: (a) BO 7010.1B
(b) The Federal Claims Act of 1996, 31 U.S.C. Sec. 3701,
et. Seq., as amended by Pub. L. 107-107

1. Marine Corps Community Services, Camp Lejeune (MCCS) has the following evidence regarding an alleged shoplifting incident on 12 April 2010 involving one Rolfs Wallet:

- (a) Rolfs Wallet.
- (b) One Surveillance Video.
- (c) Statement by store detective.

2. This evidence is available for your review by appointment. To set up an appointment, call 451-5077 between 0800 and 1600, Monday through Friday prior to the 15-day limitation set forth in paragraph 4 below.

3. The Director, MCCS or his designated representative examined the above evidence and, pursuant to authority contained in the references, believes you are liable for the below enumerated costs. Accordingly, he demands the same:

Actual Value of Merchandise	\$ 0.00
Administrative Costs	\$ 200.00
Total Amount Due	\$ 200.00

Enclosure (1)

First Notice/Demand for Recovery of
Shoplifting Costs and Damages

Subj: FIRST NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS
AND DAMAGES

4. You, as the liable party, must either pay the total demand or appear at a hearing in front of the Command Inspector within fifteen (15) days of the date of this letter. By paying the amount demanded and/or not appearing at the hearing within fifteen (15) days, you give up your right to that hearing. If you desire a hearing on this matter, you must immediately contact the Command Inspector's Office to ensure that a hearing is scheduled for your case within the **above-stated** period (i.e., fifteen (15) days).

5. To repay your debt please submit a money order or cashier's check no later than fifteen (15) days from the date of this letter to the following address:

MARINE CORPS COMMUNITY SERVICES
ATTN: MCFO/ACCOUNTING
1401 WEST ROAD
CAMP LEJEUNE, NC 28547-2539

Ensure your name and social security number appear on the cashier's check or money order. If you would like to make the payment in person, payments will be accepted at the MCCS Accounts Receivable Office located in Building 895 on Molly Pitcher Road. Personal checks will not be accepted, and you are advised not to mail cash.

6. To contest your liability, you must appear in front of the Command Inspector. Hearings are scheduled by the Command Inspector. At this hearing you may present any relevant evidence or good causes to be considered, including financial hardship, to the Command Inspector. The Command Inspector will consider all relevant evidence submitted by MCCS. The Command Inspector will determine by a preponderance of the evidence (i.e., is it more likely than not?) whether you are liable for the amount listed in paragraph 3 or any lesser amount. If the Command Inspector determines you are liable, you must pay that amount set by the Command Inspector within fifteen (15) days of that decision. If the Command Inspector determines you are not liable for any amount, the case will be closed, and you will owe nothing.

7. This demand letter serves as notice that if you fail to pay your debt, MCCS will take the following actions as appropriate:

First Notice/Demand for Recovery of
Shoplifting Costs and Damages

Subj: FIRST NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS
AND DAMAGES

a. Assess interest and penalties under the provisions of 31 U.S.C. Sec. 3717. Interest shall be applied 60 days from the date of this notice at the Treasury, Tax, and Loan (TT&L) rate. Penalties shall be applied at the annual rate of 6%.

b. Initiate collection action of this indebtedness through salary offset as authorized by Chapter 7 of the Department of Defense Military Pay and Allowances Entitlements Manual for military members, or from any U.S. Government Agency, if applicable, under provisions of 5 U.S.C. Sec. 5514. Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 3.

c. Initiate action to offset the amount of your debt against any disbursement by the Department of Treasury to which you may be entitled, to include offset against federal income tax refunds. This action is taken pursuant to the Deficit Reduction Act, U.S.C. Sec. 6402 (d), and 31 U.S.C. Sec. 3720A. Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 3. However, you will still be responsible for payment of any remaining balance on your account if such offset is inadequate to satisfy your debt.

8. Your check-cashing and Star Card privileges have been suspended. If you voluntarily pay the amount listed above within fifteen (15) days from the date of this letter, these privileges will be reinstated provided that there are no other delinquent debts and provided you have not been debarred by the installation.

9. Amounts not paid within fifteen (15) days from the date of this notice will be reported to your Commanding Officer.

10. These civil recovery proceedings do not prevent criminal prosecution for the alleged act of shoplifting or further administrative action by the command.

Chief Financial Officer

Second Notice/Demand for Recovery of
Shoplifting Costs and Damages



UNITED STATES MARINE CORPS
MARINE CORPS COMMUNITY SERVICES
MARINE CORPS BASE
1401 WEST ROAD
CAMP LEJEUNE NC 28547-2539

IN REPLY REFER TO:
1754
RVAN

CERTIFIED MAIL

From: Chief Financial Officer, Marine Corps Community Services,
Marine Corps Base, Camp Lejeune
To: PFC XXXXXXXXX
HP 007 Room #129
Camp Lejeune, NC 28547

Subj: SECOND NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS
AND DAMAGES

Ref: (a) BO 7010.1B
(b) The Federal Claims Act of 1996, 31 U.S.C. Sec. 3701,
et. Seq., as amended by Pub. L. 107-107

1. On 29 May 2002 you were notified by certified mail that you owe \$200.00 to Marine Corps Community Services, Camp Lejeune (MCCS) for administrative costs associated with removing from the Main Exchange the following item without paying for it:

One Rolfs Leather Wallet valued at \$ 16.50

2. As previously explained, the references authorize MCCS to recover from the liable party actual and administrative costs relating to this shoplifting incident. You, as the liable party, are required to pay the following costs:

Actual Value of Merchandise	\$ 16.50
Administrative Costs	\$ 200.00
Total Amount Due	\$ 216.50

3. This demand letter serves as notice that if you fail to pay your debt within fifteen (15) days of the date of this notification, MCCS will take the following actions as appropriate:

a. Assess interest and penalties under the provisions of 31 U.S.C. 3717. Interest shall be applied 60 days from the date of this notice at the Treasury, Tax, and Loan (TT&L) rate. Penalties shall be applied at the annual rate of 6%.

Enclosure (2)

Second Notice/Demand for Recovery of
Shoplifting Costs and Damages

Subj: SECOND NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS
AND DAMAGES

b. Initiate collection action of this indebtedness through salary offset as authorized by Chapter 7 of the Department of Defense Military Pay and Allowances Entitlements Manual for military members, or from any U. S. Government Agency, if applicable, under provisions of 5 U.S.C. 5514. Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 3.

c. Initiate action to offset the amount of your debt against any disbursement of the Department of Treasury to which you may be entitled, to include offset against federal income tax refunds. This action is taken pursuant to the Deficit Reduction Act, 26 U.S.C. Sec 6402 (d), and 31 U.S.C. Sec 3720A. Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 3. However, you will still be responsible for payment of any remaining balance on your account if such offset is inadequate to satisfy your debt.

4. Your check-cashing and Star Card privileges have been suspended. If you voluntarily pay the Civil Recovery amount listed above within fifteen (15) days from the date of this second notice, these privileges will be reinstated provided that there are no other delinquent debts and provided you have not been debarred by the installation.

5. Because this debt was not paid within 15 days of the First Notice and Demand Letter, this debt has been reported to your Commanding Officer.

6. This civil recovery proceeding does not prevent criminal prosecution for the alleged act of shoplifting or further administrative action by the command.

Chief Financial Officer

Copy to:
CO, XXXXX, XXXXXX

Command Notification Letter



UNITED STATES MARINE CORPS
MARINE CORPS COMMUNITY SERVICES
MARINE CORPS BASE
1401 WEST ROAD
CAMP LEJEUNE NC 28547-2539

IN REPLY REFER TO:
1754
RVAN

From: Chief Financial Officer, Marine Corps Community Services,
Camp Lejeune
To: Commanding Officer, Marine Corps Base, Camp Lejeune
Subj: COMMAND NOTIFICATION LETTER

Ref: (a) Incident report dated 24 May 2010
(b) BO 7010.1B
(c) The Federal Claims Act of 1996, 31 U.S. C. Sec. 3701,
et. seq., Amended by Pub. L. 107-107

Encl: (1) First Notice copy dated 29 May 2010
(2) Second Notice copy dated 14 June 2010

1. This is to inform you that one of your Marines, PFC Richard Wayne Trouble, was detained by Marine Corps Community Services, Camp Lejeune (MCCS) on 24 May 2002 for shoplifting as described in enclosure (1) and substantiated by reference (a). References (b) and (c) authorize MCCS to recover from the liable party actual and administrative costs relating to this shoplifting incident. As of 12 June 2002, PFC Trouble has failed to pay the amount owed of \$200.00.

2. Enclosure (2) is being sent to the liable party with a demand for payment within 15 days. If he fails to pay that amount, the following actions will be taken as appropriate:

a. Assess interest and penalties under the provisions of 31 U.S.C. 3717. Interest shall be applied 60 days from the date of the First Notice at the Treasury, Tax, and Loan (TT&L) rate. Penalties shall be applied at the annual rate of 6%.

b. Initiate collection action of this indebtedness through salary offset as authorized by Chapter 7 of the Department of Defense Military Pay and Allowances Entitlements Manual for military members, or from any U.S. Government Agency, if applicable, under provisions of 5 U.S.C. 5514. Various agencies involved in this collection process will impose additional fees

Enclosure (3)

Command Notification Letter

Subj: COMMAND NOTIFICATION LETTER

to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 1.

c. Initiate action to offset the amount of the debt against any disbursement of the Department of Treasury to which he may be entitled, to include offset against federal income tax refunds. This action is taken pursuant to the Deficit Reduction Act, 26 U.S.C. 6402 (d), and 31 U.S.C. 3720A. Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 1. However, the liable party will still be responsible for payment of any remaining balance on the account if such offset is inadequate to satisfy the debt.

3. Your assistance is requested in urging the member of your Command to pay this debt. Note that this MCCS recovery effort under reference (b) does not prevent criminal prosecution or further administrative action.

4. If you have any questions about this matter, please call (910) 451-5077 (MCCS Point of Contact).

Chief Financial Officer

Friday, June 03, 2011
7:17:49 AM

DEPARTMENT OF THE NAVY

1. Activity: BLDG.#84 MCB,
Camp Lejeune, NC

VOLUNTARY STATEMENT

2. DATE:

I, _____ make the following free and voluntary statement
to, _____ whom I know to be a Military Police
Officer at Camp Lejeune, NC. I make this statement of my own free will
and without any threats or promises extended to me. I fully understand
that this statement is given concerning my knowledge of larceny of
government property.

I have read this statement which begins on page 1 and ends on
page _____. I have initialed all errors and corrections. The
contents of this statement are true and correct to the best of
my knowledge.

Signature Time/Date

Subscribed and sworn to before me
at Bldg. #84, MCB, Camp Lejeune NC
on _____.

Sign. Oath Auth UCMJ ARTICLE 136 (B)

Enclosure (4)

STAT SHEET

DATE:

TIME:

FIRST NAME:

MIDDLE NAME

LAST NAME

SSN:

RANK

STATUS CIV

MOS

BRANCH

UNIT:

UNIT PHONE #

ADDRESS

CITY:

STATE

ZIP:

PHONE #

SEX:

POB:

DOB:

AGE:

SPONSOR'S INFORMATION

FIRST NAME:

SSN #

LAST NAME

RANK

STATUS

MOS:

BRANCH

UNIT:

UNIT PHONE #:

ADDRESS

CIT

STATE:

ZIP:

PHONE #

SEX

POB

DO

AG

Signature

TOTAL DOLLAR AMOUNT

MERCHANDISE:

DETECTIVE OF RECORD

Enclosure (5)